

FOR THE DISTRICT OF OREGON

JOHN V. DOE, )  
 )  
 Plaintiff, ) Case No. 3:02-cv-430-MO  
 )  
 v. )  
 )  
 HOLY SEE, (State of the )  
 Vatican City), Its ) July 20, 2010  
 Instrumentalities and/or )  
 Agents, Does 1-10, et al., )  
 )  
 Defendants. ) Portland, Oregon

## TRANSCRIPT OF PROCEEDINGS

UNITED STATES DISTRICT COURT JUDGE

## APPEARANCES

FOR THE PLAINTIFF:

Ms. Marci Hamilton  
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FOR DEFENDANT HOLY  
SEE:

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1  
2 FOR DEFENDANT ORDER OF  
3 THE FRIAR SERVANTS OF  
4 MARY:

Mr. David A. Ernst  
Davis Wright Tremaine LLP  
1300 S.W. Fifth Avenue, Suite 2300  
Portland, OR 97201

6 Mr. James C. Geoly  
Burke Warren MacKay & Serritella PC  
7 330 N. Wabash Avenue, 22nd Floor  
8 Chicago, IL 60611-3607

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10 COURT REPORTER:

Bonita J. Shumway, CSR, RMR, CRR  
United States District Courthouse  
11 1000 S.W. Third Ave., Room 301  
12 Portland, OR 97204  
(503) 326-8188

1 (P R O C E E D I N G S)

2 THE CLERK: Good afternoon, counsel. This is the  
3 time and place set for a telephone status conference in Case  
4 No. 02-420-MO, Doe v. Holy See, et al.

5 We do have a court reporter recording these  
6 proceedings, so we insist that each time you speak, you  
7 identify yourself.

8 And counsel, could you please identify yourself  
9 for the record.

10 MR. LENA: Jeffrey Lena for the Holy See.

11 MR. HALLER: Alexis Haller for the Holy See.

12 MR. CHRIST: Tom Christ, also for the Holy See.

13 MS. HAMILTON: Marci Hamilton for John V. Doe.

14 MR. FINNEGAN: Mike Finnegan and Jeff Anderson for  
15 John V. Doe.

16 MR. STREVER: Kevin Strever for Joe V. Doe.

17 MR. ERNST: David Ernst for the Province.

18 MR. GEOLY: James Geoly for the Province.

19 THE CLERK: And here is Judge Mosman.

20 THE COURT: I have recently received the parties'  
21 stipulations regarding scheduling. I assume from what it  
22 says that you're all in agreement. If you disagree, will  
23 you please say so?

24 (No response.)

25 THE COURT: Is there anything further you wish to

1 add to the scheduling suggestions made in that stipulation?

2 UNIDENTIFIED SPEAKER: No, Your Honor.

3 THE COURT: Thank you. We'll move ahead, then.

4 I will order that the plaintiff file its proposed  
5 discovery request with the Court by August 20, 2010. On  
6 that same date, the Holy See shall file all of its remaining  
7 Rule 12 defenses motions in connection with those Rule 12  
8 defenses by August 20th.

9 We'll start first with discovery, and the Holy See  
10 shall file a response, including any objections to  
11 plaintiff's proposed discovery, on September 3, 2010.

12 We don't typically have replies, but given the  
13 likely complexity of these motions, I'll allow plaintiff to  
14 file a reply no later than September 23, 2010. This is all  
15 with regard to the proposed discovery. Then we'll see where  
16 we go on discovery, litigating it by hearing or telephone  
17 status or otherwise.

18 The motions filed by the Holy See on August 20th  
19 won't require the plaintiff to file immediately a response.  
20 That duty shall be held in abeyance until we resolve the  
21 proposed discovery requests. After those are resolved, the  
22 parties have indicated to me they intend to meet and confer  
23 regarding the timing of plaintiff's response to the Holy  
24 See's motions challenging jurisdiction or otherwise, and  
25 propose that scheduling order to the Court. And so I will

1 simply be awaiting that.

2           There is the possibility that in light of the Holy  
3 See's motion, which is filed on the same day -- or may be  
4 filed on the same day as plaintiff's proposed discovery  
5 request, that plaintiff will seek to file additional  
6 discovery requests after August 20th, in light of the Holy  
7 See's motion, and it may -- plaintiff may do so.

8           The Holy See is ordered on whatever date that is  
9 filed -- a date unknown to us at this time -- to respond  
10 within 20 days following the filing of any additional  
11 proposed discovery, with any reply by the plaintiff 20 days  
12 after that.

13           Again, once we know the lay of the land on who has  
14 filed what by way of challenges, responses and replies to  
15 discovery, the parties will -- well, we'll resolve the  
16 discovery issues, the parties will then meet and confer on  
17 scheduling the briefing and the Rule 12 motions, and we'll  
18 take it from there.

19           Does that accurately encapsulate the parties'  
20 agreement?

21           MR. LENA: Jeffrey Lena for the Holy See. Yes, in  
22 our view, it does, Your Honor.

23           THE COURT: For John Doe?

24           MR. FINNEGAN: Mike Finnegan for the plaintiff,  
25 and that does encapsulate our agreement, Your Honor.

1 THE COURT: And for the order?

2 MR. GEOLY: Your Honor, James Geoly for the  
3 Province, and we have no objection to that.

4 THE COURT: Very well. That will be my order.  
5 Anything further today from plaintiff?

6 MR. FINNEGAN: This is Mike Finnegan. No, Your  
7 Honor.

8 THE COURT: From Defendant Holy See?

9 MR. LENA: This is Jeffrey Lena. No, Your Honor.

10 THE COURT: And from the order?

11 MR. GEOLY: James Geoly for the Province. No,  
12 Your Honor.

13 THE COURT: Thank you. We'll be in recess.

14 (Proceedings concluded.)  
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I certify, by signing below, that the foregoing is  
a correct transcript of the record of proceedings in the  
above-entitled cause. A transcript without an original  
signature or conformed signature is not certified.

/s/Bonita J. Shumway

12/26/2012

BONITA J. SHUMWAY, CSR, RMR, CRR  
Official Court Reporter

DATE